This file contains No 14 Folios (1 to 12)

App F IX-4

L.
1942.43
(Jul)

152-1414
File No. 148-02
Serial Nos. 1 to 811

Previous References

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos One

Part B for returns

SUBJECT

Disposal of sites at an upset price by the President of the Nassau Town Council

Disposal of Sites at an upset price by the President of the Hassan Town Municipal Council

78 S-2 Continuation Sheet ML File No / Current No. of 42 Page

Letter no HLC 3765/42 dated 24-6-43 from the Deputy Comr, Hassan Dist - stating that he has, under Section 194(1) of the Mysore Town Municipalities Act, 1933, suspended the Resolution of the Hassan Town Municipal Council empowering their President to grant available Sites at the place at an upset price and Soliciting orders of Govt in the matter

1) The order of the D.C Hassan Dist - suspending the resolution of the Hassan Town Municipal Council is for perusal

2) As the Municipal Council have not framed rules delegating their powers of selling immovable property to the President according to law, the Resolution of the Municipal Council authorising their President to dispose of Sites is held to be ultra vires and unlawful

3) If the order of the D.C. has to be confirmed, revised, or modified, a reasonable opportunity of showing cause against the said order must be given to the Municipal Council before orders of Govt are passed under Section 194 of the Mysore Town Municipalities Act, 1933.

Submitted for perusal and orders

Form No. 26/43 Draft for Claim. Copies of the [illegible] Mr dated 29/6 [illegible]. What are the powers delegated to the President of the Municipal Council by the Hassan Municipal Council by virtue of which he disposed of the Sites? Records may be obtained from the Hassan Dist Office.

Disposal of Suits at an upset price by the president, Hassan Town Municipal Council ..

Continuation Sheet | File No / Current No | of 786 Page 1

TYPING SECTION
7 JULY 1943
GEN & ... SECTT.

s/ Draft letter to the D.C. Hassan dtd 30/6/43 JM 1/7

6/ Approved 1/7/43

To

The D.C. Hassan dtd
No L 135 dt 5-7-43
calls for certain information

Sus A JM 6/7

Flag V

Letter no M.L.C 3765-/42 dated 16-8-43 from the Deputy Commissioner Hassan dtd forwarding a copy of the proceedings of the meeting held on 23-5-42

2/ As the Hassan Town Municipal Council have not framed rules for delegating to the President their powers of selling immovable property the resolution of the municipal council authorising their President to dispose of Suits is held to be ultra vires and unlawful

3/ In the linked file, Govt have observed that the Municipal Council have delegated unlimited powers in an illegal manner to the president As the action of the municipal council in delegating the power in question is ab-initio void and there is perhaps no need to suspend the resolution of the Council. In this office letter dated 24-8-43 the D.C. Hassan dtd

vide minutes of minute portion herein as underlined

L
Letter no 2391 dt 31/8/43 from Flag W

Suspending the Resolution of the Hassan Town Municipal Council 2098/43

1238 Continuation Sheet | ML File No / Current No | of 43 | Page p/43

-has been intimated that Govt agree with the action taken by him in having suspended the resolution of the mt. cl.

9) In these circumstances the Law Section may be requested to advise whether it is necessary to confirm the action taken by the D.C. Hassan in suspending the resolution of the municipal council

Law Secy for S.G. 10/9/43

10) Cus 10-9-43

11) This may kindly be marked to the Asst Secy Law Section for favour of opinion

10/9/43

(2) For favour of advice

Asst Secy Law Secy for 11/9/43

14/9/43

(13) Submitted with 4 copies of Volume IX of the Mysore Code containing the provision referred to in para 9 supra

14) Under the proviso to Sub-Section (2) of Section 194 of the Act VIII of 1933 no order by the D.C. can be confirmed, revised or modified by the Govt without giving

Law 39/43 11/9-43

Govt of Mysore

the municipal council convened / reasonable opportunity of showing cause against the said order. Has this legal requirement been satisfied? The L.S.G. Branch may be directed to note on this point & the explanation of the M.C. is already available. L.S.G. Branch was kindly flagged

BS 25/9 (1st Dy Secy) 3/9 (Asst Secy LSG) 25/9/43

16 The position has been explained in paras 7 to 9 supra. The Law Section has been requested to advise whether it is necessary to ~~call for the explanation~~ confirm the action taken by the D.C. Hassan both in suspending the resolution of the municipal council in view of what has already been moved in this office letter flagged C. If the formality referred to in proviso to Section 172 has to be observed, the Municipal Council will be asked to show cause against the proceedings of the D.C. The point is whether it is necessary to observe the formality in question in view of the order of Govt. in flag W. (Vide also para 8)

Kmr 25/9/43 (Asst Secy Legislation & Law LSG) 28/9 25/9/43

Suit pending in the re-solution of the Hassan Town mal cl 1235-L

Continuation Sheet ML File No 95- Current No of 42 Page

17) Submitted for orders with reference to para - 16 supra.

18) The action taken by the D C under Sec 194 of the Act seems to be in order, & as such the formalities provided for under that Section have to be observed, before a valid order under Sec 194 can be passed

Law Secretary) 9/11

19) Cur 10/11/43

Bot Secy L&S) 11/11

20) Mr K H S- Pl take further action above

21) Pl give copy of the linked file to the Suptd- re letter

for 11/11/43

22) Submit. with a draft- letter to the D C. Hassan for signature in accordance with the opinion of the Law Section

Kim 11/11/43

23). For perusal before issue

Lawyer) 12/11/43

24) Cur 12-11-43

25 Issue 12/11/43

To

The D C - Hassan Dt-

Nos 5234 dt 19-11-43

Issues contain instructions and Calls for a report-

Sd/ JAL

SECY LAW DEPT 4518 10 11 1943 GOVT OF MYSORE

SECY LAW DEPT 4706 1 1 1943 GOVT OF MYSORE

TYPING SECTION 13 NOV 1943 GEN & REV SECTT.

Give linked file HL 198-42-20 as given & the Suptd- Cur 12/11/43

Allegations re disposal of Sites by the Municipal President, Harar

Continuation Sheet MM File No / Current No 93 of 42 Page
1235 V 2468 V 4442

From: The Deputy Comr, Harar
No MM.C. 3765/42 of 13/11/44
Forwards a copy of the proceedings of the Special Mtg of the Harar Town Municipal Council on the above subject

2) Subd. The Municipal Council have resolved that the delegation of power to the President to dispose of the Sites has been in force since a long time & that in view of too many precedents in the Municipality in this respect the Dy. Comr's order does not apply to the case under reference. They have also resolved that a deputation consisting of Mr A.S. Mallappa the President & 4 members should be sent at the cost of the Council to wait upon the Minister for Hdq to explain all the matters. Subd for orders with refce to paras 18-25 above

JM 28/1/44

27) Pl perhaps the other file which is with Mr Pannam re Herbarium at Harar.

JM 28/1/44

28) The plc which was in use has since been traced & taken up (Land Record).

JM 4/2

29) Kind refce is invited to the resolution of the Mcl dated 6/12/43 according to which the Mcl claims that it is within its legitimate rights in delegating to the President the Land powers

WD 01809—GPB—60 000—26-1 43

allegations in the despatch of 3rd inst by the President, Municipal Council, Hawaii

1) If disposal of lots within the 10 chains limits, and that there is nothing in the general resolution pending against the Short Title of the Ordinance 1933. The resolution refers to the D-is order does not apply to a case under appeal when the proceedings are too many in this "City" — which appears to be the case. The argument in favor of the legal action. Mr Judd has finally resolved to wait in deputation until the minister of the interior in matters of this nature so far no requisition asking for a date to interview the minister has been received

2) For personal reasons with respect to Heras. 1 Does supra.

3) The question of confirming or otherwise of the order of the D-C. can be considered on appeal hearing of deputations.

Law Dept
3/2/44

3) We may wait till the end of the month

Mr 62-GG

CO L DEPT
763
GOVT OF HAWAII

OFFICE OF THE MINISTER
FOR L S G & P II
Date 10/2/44
No 5214

Gen
G-2 GG
from

33) Ltr
to 2 GG

Gen
11-2 GG
from

1) Put with ltr of 11/3/44

2) Resubmitted as directed
Lut 1/3/44 JH
212

3) The deputation have not so far waited upon the

Allegations re the disposal of Sites by the Municipal President Hassan.

Minister Law & J.P.s. Neither have they asked for a date for interviewing the Minister in this behalf. Proceedings not repeat not

Law Dept. Law

BEGY LAW DEPT 8732

36) Secretariat please see

2-3 44

37) Subtle with a draft letter to the D C Hassan Dist-

37) Subtle with a draft letter to the D C Hassan Dist-

38)

The D C Hassan Dist-
despatched no L 935-9 dt 8-3-44

From The D-C Hassan dt
No NL-E 3765/42 dt 30-3-44
Furnishes the information called for.

The D C reports that the ~~Hassan~~ members of the Hassan Town Nat-el deputation to wait on deputation ~~on~~ the minister Law on any day

between 5-4-44 and 11-4-44

(10) A reply will be sent after obtaining views from the minister Esq as to the date on which he will be pleased to receive the deputation.

(11) subs with reference to para 36 supra

Secy 3/4

for orders

Secretary 4/4

(12) Submitted for orders regarding the date

Secy 4-4-44

(13) Secy may be asked to state their point of view at this stage since no need for a deputation to come at the cost of the municipality.

6.4.44

6-4-44

(14) Sft please see Sft

(15) letter Sft subs

Secy 10/4. (16) Issued 11/4

Issue No. L 10561 & 12-4-44

To the Dy. Secretary

Secy A
Secy
13/4

'A'

refer to MLC 3765/42-43 of 17.8.44 from the Secretary, House of Reps by way of

ii') The D/C in furnishing the Replies called for, sends copies of registrations by the House from No. 1 of the personal information therein is stated the point of view of the Govt. of in the matter

Vide also file ref: to para 43 Supra

17/6 ...) There is another file on the subject. We have called for information about the number of cases disposed of by the Presidents by virtue of the powers delegated to them & I put it up. It is ready for (illegible)

Gilbert.

Subal.

i') The MLC file 1168-42 is enclosed herewith for perusal

17/6 ii') The Assam case held the opinion that the delegation of powers under sec 35 (2)(b) of the Mines Act of 33 to the President empowering him to dispose of the cases is not ultra vires of the spirit of the Act and that the ML Govt is within its legitimate rights in delegating the said powers to the President May further state that the order of the D/C suspending the results of the Trial Court have effect only from 24.6.1943 and Govt. has appealed to the High Court so as to have retrospective effect from the date of

disposed of by several Presidents - to
from time to time by upset price.'

52) As against this view, it might be said
that it is no answer to contend that the
Council has no authority to delegate
the power of disposal of title to the President
but it has failed to state that it was not
done in accordance with the manner
prescribed by law - e.g. by framing the
necessary rules under sec 31 of the Act
& then inviting the President with that power
to give such a power to the President.
yes no further A more resolution of the Council cannot
action is necessary when taken in
Mr. Mel has since withdrawn the power
delegated to the President - vide resolution
dated 31-12-43

53) We do not was asked to furnish a list of
titles disposed of by the several Presidents -
in accordance with the power delegated
to them, in the circumstances this information is
yet due
Pink Memo to be filed at the end of the Memorandum

54) The question of the Council is right
with regard to para 43 supra.

55) In view of the fact that this power has
since been withdrawn, the question of making
yes the order applicable to previous grants may
not perhaps be pressed

56) The order of suspension passed by the
Dy. Collector is the result of the Mel

7348/L

in having suspended under s 194 of the Act, 1933 the Resolution of the Hassan Dist. to have delegated its power of disposal of land prop to the Jud President

Noted for orders

20/6 The Hassan Dist Bd have since withdrawn the power of disposal of sites delegated to the President in their resolution dated 31-12-43. Hence no further approval is called for in the matter by way of appeal or revision as provided for in sub-section (1) of section 194 of the Act. The matter is now before Government for orders on the petition dated 24th June 1943. The petitioner contends that it is within their legitimate rights to delegate the power of disposal of sites to the President, & that the Hassan Dist Bd have exceeded that the above order of the Govt should be given effect to with retrospective effect. This means that the sites made by the previous Presidents in accordance with the powers delegated to them by the Bd need not be cancelled, although illegal. The point of the Law section may be stated if the above opinion of the Bd could be accepted

The Bd have discretion to delegate the power to the President, but it has not been done in a regular manner. Hence

Continuation Sheet | File No / Current No | of | Page

ತಾಯಿನಾಡು 28-4-43

ಹಾಸನದಲ್ಲಿ ನೈಟುಗಳ ವಿಲೇವಾರಿಯಲ್ಲಿ ಅವ್ಯಾಯವೇ? ಜಿಲ್ಲಾಧಿಕಾರಿಗಳಲ್ಲಿ ಪೌರಸಭೆಯ ಕೆಲವು ಸದಸ್ಯರ ಅಹವಾಲು

(ತಾ ದಾ) ಹಾಸನ ಏ ೨೬

ಹಾಸನ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳಾದ ಶ್ರೀ ಎಸ್ ಎಸ್ ಹಿರಿಯಣ್ಣಯ್ಯನವರನ್ನು ಈ ದಿವಸ ಅವರ ಬಂಗಲೆಯಲ್ಲಿ ಹಾಸನ ಪೌರಸಭೆಯ ಸದಸ್ಯರುಗಳಾದ ಶ್ರೀ ಬಿ ಎ ಸಂಪತ್ತು, ಶ್ರೀಗಳಾದ ಅದಿರಾಜಯ್ಯ, ಗೌಸ್ ಮೊಹಿಯುದ್ದೀನ್, ಹೆಚ್ ಆ ಬ್ರಹ್ಮದೇವಯ್ಯ, ಹೆಚ್ ಕೆ ಮೂರ್ತಿ, ಶ್ಯಾಮಭೋಗ್ ಸೂರ್ಯನಾರಾಯಣಪ್ಪ ಇವರುಗಳು ಭೇಟಿ ಮಾಡಿದರು ನೈಟುಗಳನ್ನು ವಿಲೇವಾರಿ ಮಾಡುವ ವಿಷಯದಲ್ಲಿ ಪೌರಸಭೆಯಲ್ಲಿ ಅನ್ಯಾಯಗಳು ನಡೆಯುತ್ತಿವೆಯೆಂದು ಅವರು ಜಿಲ್ಲಾಧಿಕಾರಿಗಳಲ್ಲಿ ತಿಳಿಸಿ ಹಲವು ಅಂಶಗಳನ್ನು ವಿವರೀಕರಿಸಿದರೆಂದು ಗೊತ್ತಾಗಿದೆ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು ಈ ವಿಷಯಗಳನ್ನೆಲ್ಲಾ ಪರಿಶೀಲಿಸುವುದಾಗಿ ಭರವಸೆ ಇತ್ತರು

ಸಾವಿರ ರೂಪಾಯಿ ಬೆಲೆ ಬಾಳುವ ನೈಟುಗಳನ್ನೆಲ್ಲಾ ನೂರು ರೂಪಾಯಿಗಳಿಗೆ ಹಲವು ಸದಸ್ಯರುಗಳ ಹೆಸರು ಪೌರಸಭಾ ಉಪಾಧ್ಯಕ್ಷರ ಗಮನಕ್ಕೂ ತರದೆ ವಿಲೇವಾರಿ ಮಾಡಿದೆಯೆಂದೂ ಮುಂತಾಗಿ ಹಲವು ಆರೋಪಣೆಗಳನ್ನು ಹಾಸನ ಪೌರಸಭೆಯ ಮೇಲೆ ಹೊರಿಸಲಾಗಿದೆ

L 148-42-18

The 'Tai Nadu' Dated 28-4-1943

6781 7 MAY 1943 G LSG BRANCH

1) The local correspondent of the 'Tai Nadu' at Hassan reports that some members of the Hassan Town Municipal Council interviewed the Deputy Commissioner and complained to him of certain injustices done in connection with the disposal of building sites The Deputy Commissioner is reported to have promised to look into the matter It is understood that very valuable sites have been disposed of at very low prices without even the knowledge of the Vice-President and many members of the Council

Submitted.
Chief Secretary 30/4/43

Min. (LSG) WP 30/4/43

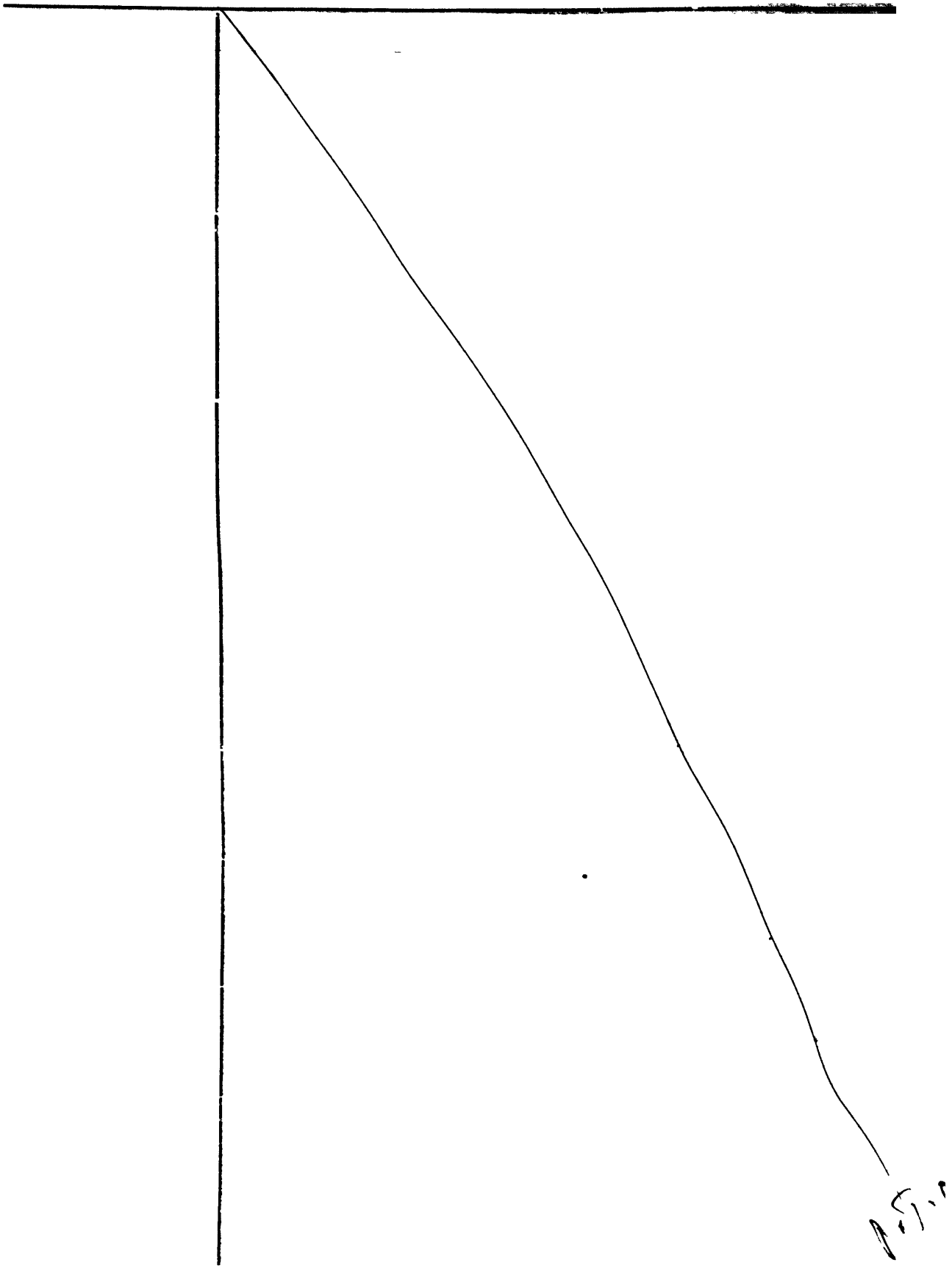
Sec (Law w/cmps) WP 4/5/43

2) A report may be called for in the matter from the D C Hassan

WD 1140—GPB—50,000—5-11-42

Continuation Sheet

File No.
Current No



OFFICE OF THE MIN'STER
FOR L S G & P H
Date 7.5.43
No 9269

7 MAY 1943
NO SM. 259

674/43

DEWAN'S MINUTE

FILE No 194

3) Have Govt received any complaint that certain buildings sites in Hassan town have been sold for very low prices by the Municipality? I should like to see the papers, if any

Law Secy
Hon Minister L S G & P H
with compliments

7/5/43

4) I Govern I have called for a report from the D C in this connection for may be required

GEN & REV SECRETARIAT
674
L S G BRANCH

7.5.43.

7.5.43

7/5/43

5) The paper cutting of Dainada dated 28.4.43 and the notes of the Minister L S G & P. H. are submitted for perusal. A draft calling for a report is submitted for approval.

8.5.43

6) It is returned herewith as received for necessary action without delay

8/5/43

TYP SE N
3 MAY 1943
GE & TT

No. L 10841/3 10 s 43 for extract of the article for an immediate detailed report.

To the D.C. Hassan

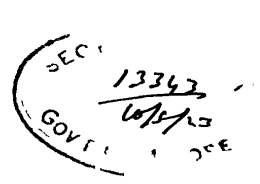
7) Recommended for orders.

8) There are not present no papers on the subject in the L-L-G Branch

9) A report has been called for

7207/c 6787/6.7.43

from the D.C. Hassan district,
with reference to the article appearing in
the Dai Nippon dated 28th inst.
20th inst.
to which reply paras 3 & 4 refer.



Low sign? 10/7/43

11) pursue as soon as a reply
is received

Low
10/7/43

From the D.C Hassan
Letter no. Pol. C 2765/42-43 dated 20.6.1943, states
that a report will be submitted by the end of this month.

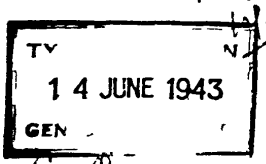
by) Case to be pursued.
9/6.

A) A short reminder may be sent
report promised to be sent up by the end
the month has not yet been rec

Low
10/6/43

10) Recommended.
11/6.

15) Implemented
Low
10/6/43



Issued.

NOL. 2207/B 14.6.1943,
Pol. D.C Hassan

15/6

P.T.O.

Allegations re: Sale of certain sites
Municipal Council, Hassan. 7809/2

Continuation Sheet M 2 File No / Current No of 42. Page

from the D.C. Hassan
letter no. M.C. 3765/42-3 dt. 19.6.1943, forwarding
the report called for above.

Of the allegations of illicit acts
are two: firstly, the sale of the cable bound
for Rs 500/- to one Sri H. Krishnamurthy and
secondly the sale of a valuable site
to one Mr. N.L. Srikantaiya at a very low
price.

In Reg the first allegation, the records
reveal that though the action of the President
Mr Mallappa is covered by the Resolution
of 1.3.42 of the Municipal Council, he cannot
presumably be absolved of the negligence
towards the order of the D.C. dated 2-3-42
that the buildings may be sold in public
auction: He is supposed to have placed the
matter before the Council and arranged for
the sale of the building in auction. Even
in view of the fact that one of the Complainants
Mr. B.N. Sampath who was the President
at the time when the Resolution of 1.3.42
was passed, it would indicate the factious
spirit in the town and the D.C's opinion
is perhaps well considered.

As Regarding the second allegation, it is
rather interesting as to how the Secretary proposes

Sale of certain properties in Harrison
2 cases

Continuation Sheet | File No 7809/L | Current No | of | Page C

Kept by the application of Mr Likanuanga sent to him on 12.10.42, till 12.4.43 when he submits a report and on the same day orders were passed granting the site to the party. Some other applications for the same site seem to have had no consideration whatsoever the act of the President is reported to have been authorized by a resolution of the Municipal Council.

The D.C. Considers that, in view of the resolution dated 11.5.1943, which countermands the cancellation of the grant of the Catholic Mission property, and that dated 11.5.43; empowering the President to dispose of Municipal Sites, the Presidents' act would be bonafide. But he Considers that it is advisable for the Municipal Council to have delegated to them the Presidents with out proper safeguards.

Sales for area

Kind reference is invited to the cutting from the Daily Mail dated 28/4/43 wherein it has been alleged by a correspondent of Mutare that a complaint has been made by some municipal councillors to the D.C to the effect that some valuable sites have been disposed of for very low prices etc A report was called for in the matter from the D.C Mutare on

The report received from the is
[illegible] answers for personal
The [illegible] dealt with the disposal of
two sites, at great length, in the manner
complained against.

[illegible] the item as to disposal of the site
on which the cattle pound is located to
one [illegible] Ranganathan Mudaliar for a sum of Rs 500/-
accepted by the Resolution of the M.C.C. dated 7.5.1942.
The Board at its subsequent meeting, there
[illegible] a committee by the request of Mr. Gopalaswamy
Mudaliar, the then Deputy Commissioner ordered that a
levied of Rs. 1000 per acre demand for the site, it might
be sold by public auction. But no action was
taken on the resolution. Ultimately site was finally given
away for the said purpose by the President
and D.C. Madras [illegible] and a sale deed
executed by him on 12/11/43. The matter
however came up at their special meeting of
the M.C.C. on 11/11/1943, when the deposit
was cancelled in so far as this site was concerned
the initial [illegible] have been set right &
nothing more requires to be done.

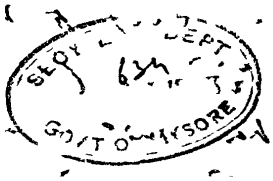
The alleged grant of site by the President
[illegible] 4.11.43 alleges [illegible] away a
site measuring 1 rod + 86', situated at the
Sanitary [illegible] Chetpet adjacent to Rs 200/-
[illegible] by one M.L.
Srikantiah, Advocate, Bangalore. There was
also higher offers of Rs 500 & Rs 1000/- from [illegible]

WD 1140—GPB—50,000—5-11-42

[illegible]

[illegible] may be pursued

This file is under [illegible] dt 13/7/43



[illegible] Rejection that one clear [illegible] was responsible for [illegible] regard to the party to [illegible] Ramachandra [illegible] called for at the time, but the matter was not pursued further.

[illegible] details report is for personal [illegible] action to suspend the [illegible] delegating the powers to the President [illegible] to the additional posts for an urgent period, no further action appears called for.

Referee orders at pages 2, 3 and 4 [illegible] Law dept for 13/7/43

3) The position is clearly [illegible]. Mr. [illegible], after due consideration, has arrived at the conclusion that the Proceedings should be withdrawn [illegible]

4) The Petition filed [illegible] has been cancelled by the resolution of the Council [illegible] the proceedings have

OFFICE OF THE MINISTER
FOR L & G & P H.
Date 17 7 43
No 2546

Sale of Lots in Hopkinton

Continuation Sheet ML File No / Current No 148 of 42-43 Page

23.5.42 and stating our knowledge of the land, and how existing buildings upon and how many are vacant. An early report may be called for by the Chairman.

As regards the site which should be the orchard which has been held illegal, the same is required for any building purposes from the Heads Board of Works is about to be allowed to be built upon. Not place can be improved only by levelling it up and this either by adding to the Silver jubilee orchard. The latter course was suggested by the Chairman and steps may be taken to implement this. Inspection from the records it is seen that the Improvement Society had agreed to hand over to the Board and the Chairman instructed, had ordered the handing over the same to the Board on this basis. Dated 21.7.42. The action of the Board is awaiting and it may be asked to take steps to improve the Silver Jubilee orchard by adding the valued piece of land and it may make use of this for raising a Victory garden which they have recently proposed. Board of Works

Site of site
Sheb.

General and Revenue Secretariat | File No 168 of 1942 | [App F III-2

Serial No	
	is a distance of 2 miles to Sendekan Plantations for the Land-garden. This would economise the efforts also. The Board may be informed accordingly.
	J.C. 10.8.43.
	Ans 17-8-43
	Mr. KMS Draft please attached
37)	Submitted with a draft letter to the Dr. Hallam 11/8/43
	Kmn 12/8/43 JA 38/A revised draft in accordance with the above minute is put up for approval
38	
39)	Reference Dewan's minute dated 7-8-43 (Para 3 of the notes thereon) Lawley) for 15/8/43
	Ans 17-8-43
	Dewan for 17-8-43
	Agree
	18/8/43
	Ans 18-8-43
42)	1) Issue of Intake portion estimates, Minutes orders thereon by Sp.
	3) of take copies of Plan Notes required for Copies of resolutions passed Kmn 20/8/43 recd & forwarded [illegible] other file put up for 18/8/43

MINISTER'S OFFICE
17 AUG 1943
No. 1094

SECY LAW DEPT.
17/8/43
GOVT OF MYSORE

18 AUG 1943
SEN. Secy Sheet

WD 04155—GPB—5,000—23-10-41

Sale of sites in the Hassan Town Ship
780 D
L 1487

ML File No 148 of 1943

General and Revenue Secretariat

Serial No

To The Deputy Commissioner Hassan vide
No L 239 d 24-8-43
Conveys certain observations and calls for a report-
43) A draft letter to the D.C. Hassan bid regarding the observations at para 27 Supra is submitted as directed
Sir 28/8/43

44) Issue
Sir 28/8/43

22 AUG 1943
GEN & REV SECTT

To The Dy Comr, Hassan vide
No L 2757 dated 30-8-43
Requests to furnish the question relating to interpolating the subject in the agenda

Sub
given to the Sec as directed by Sec on the following D no 1235-L Sir 11/11/43

From the President, D.L.B.D., Hassan
No. A2 P.R. 12/42-43g/8.10.43
States that the site 10 cents of the Silver Jubilee orchard is too small being only 1/4 of an acre against one required for the purpose & requests relaxation to the Horticulturist of the Herbarium at Faridkote

45) Subd for general orders with reference to the Ministers views at para 36 above

Sir 12/11/43 46) Please state the steps if any taken by the DPI's letter no A2 P R 12/42-43 dt 19-8-43 on the subject, with reference to the remarks [illegible]

47) Issue reminder further
action
for
Sd/- 5/12/44
Issued no L 8082 dt 5/12/44

C.W should keep this file with him & issue further reminders till the matter is disposed
for Sd/- 5/12/44

48) Pl issue a reminder action
Sd/- 8/12/44

49) Issue
10/12/44 Issued 10942 dt 22/12/44

The D.C Hassan by
No L 12176 dt 6.12.44
Requests to furnish the report called for

Letter no MI 3765/42-43 dt 24.7.44 from the D.C. Hassan District furnishing the explanation of the Head clerk called for re the sale of Cattle from S.K. No. 28 Ramachandrapura

50) The D.C Notes that the explanation furnished by the Clerk (Sri Ramaiah) was sent to the President of Hassan Dist. M.C. for remarks after verifying the agenda & the meeting proceedings & the President has in his note, that the agenda is not available, that the then President & the Chief Officer are not in office now & that the explanation of the clerk may be accepted.

51) Accordingly the D.C. recommends dropping of the Enquiry.

P.W.D.

52) Next the records ~~are~~ flagged 'P' beginning from page 15 to 16 are clear That the Head Clerk (Sitaramaiah) cannot be exculpated

Subordinates Note Ref P. 16 para 27(a) Supra

53) Kind reference is invited to paras 27 & 27(a) of the notes Supra An enquiry was accordingly made of the Dy. C. Hassan Distt regarding that the explanation of the clerk Sitaramaiah referred to therein for mistyping the subject in the agenda for the grazing cattle permit file to one Mr D S Ramachandra Rao of Hassan might please be obtained & the matter furthered.

55 Mr D.C. has now submitted the explanation of the official which is for perusal. He is of opinion that the matter may be dropped as it is not possible to fix the responsibility at this distance of time

56) For personal orders and reference to the orders at paras 27 (as Supra

Lawley 7/7

For want of evidence The Marketing Dept Decided The clerks appeal Placed

(P. 2760)

WD 01809—GPB—60,000—26-1 43

acted with the Municipal Commissioners of the
Port Moresby

We may be commissioned
as there is room for believing
that he has not acted
straight forwardly

Crs
8-9-64

Crs
12-9-64

OFFICE OF THE MINISTER
FOR L S G & P H
Date 11 9 64
No. 1812

Crs
12-9-64

Crs
12-9-64

Sir,

The Head clerk Mr. [illegible] has already been transferred to Headquarters by Office from where he has submitted his explanation for orders whether the file may be received

13/9

PL [illegible] and [illegible] letter returning the records to the D.C.
Hurson Bay with the above observations about to Cadet

13/9/64

TYPING SECT

& REGISTRY

Signed with above letter

13/9

13/9/64

2940

Sec A

Letter No [illegible] dt 25.10.[illegible] from the Head clerk of the Harbour ...

Letter No [illegible] dt 25.10.[illegible] from the Head clerk Seetharamaiah has already been changed ... working in Honnavar Fishery Office

B

As per the letter the Head clerk Seetharamaiah has already been changed for working in the Honnavar Fishery Office.

Extract of the minutes of the Municipal Council dated 10/8/43 in Ref 148-42-10 (Doc 7805 2 Copy)

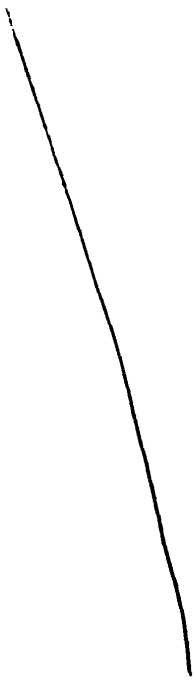
It is unfortunate that the Council should have given occasion for disposal of valuable site without looking to the larger interest of the town. The action of the Deputy Commissioner under the circumstances is correct.

It is strange that the very people who passed a resolution on 23-5-1942 giving ~~intimated~~ unlimited persons in an illegal manner to the President should now protest for getting their illegal action. The Deputy Commissioner may be requested to get the list of all the sites granted under the resolution dated 23-5-1942 and find out how many of them have passed hands, how many have been built upon and how many are still vacant. An early report may be called for in the matter.

As regards the sites to the South of Orchard, No which grant has been held illegal, the same is unsuited for any building purposes from the Health point of view and it should not be allowed to be built upon. The place can be improved only by levelling it up and still better by adding it to the Silver Jubilee Orchard. The latter course was suggested by the Dewan and steps may be taken to implement his suggestion. From the records it is seen that the Municipality had agreed to hand it over to the District Board and the President, Municipal Council, had ordered the handing over the same to the District Board in his Memo dated 27-7-1942. The action of the District Board is halting and it may be asked to take interest to improve the Silver Jubilee Orchard by adding this valuable bit of land

P.T.O.

land and it may make use of this by rising a herb-garden which the, have recently proposed, instead of going to a distance of two miles to Bendekatte village forest for the herb garden. This would economise their efforts also. The District Board may be informed accordingly.



Appendix F G —1]

SUBJECT

Section M4

File No

Serial No

Diary No of letter replied to

No

To

General and Revenue Secretariat

( )

the *194*

The Dy. Comm. Hassan

Hassan

Date of issue

Sir,

I am directed to invite reference to the marginally noted letter on the subject of Article 6 in the Draft Municipal Bye-laws dated 28.4.1943 about to be put into force by Municipal Council, Hassan, regarding the Sale of building sites and the representation of certain Members of the Municipal Council to you in the matter and to request you to submit a detailed report in the matter at once before the 15th inst. I have etc.

Signed by

01 copy here to circle in Kannada

List of enclosures

Copied by

Examined by

L Law Secy

9/5/43

WD 04161—GPB—60 000—24 10 41

No. 10841/8 dt. 5th. 1943.

To

The D. C Hassandisi

Sir,

I am directed to invite reference to the marginally noted article appearing in the Jaisan dated the 28th April 1943 about the complaint said to have been made to you by certain members of the Hussan Municipal alleging the sale by the Municipality of some building sites in the Municipality at very low prices and to request you to be so good as to submit a detailed report in the matter before the 20th inst. In the meantime any pertinent facts as regards the sale may be furnished to this office.

Pl copy in the first case & entire article in Kannada

I have etc

for

Secretary to Govt

Local Deptt

Office of the Deputy Commissioner,
Hassan District,
Dated, Hassan, the 20th May, 1943.

No. M1.C.3765/42-43.

From

P. Hiranmayya, Esqr., M.A.,
Deputy Commissioner, Hassan District,
Hassan.

To

Chelvayanmawai Naidu, Esqr., B.A., B.L.,
Secretary to Government, Law Department,
Bangalore.

SECY LAW DEPT. GOVT OF MYSORE

GEN & REV SECRETARIAT 20 JUNE 1943 LSG

Sir,

Re. allegations made by certain Municipal Councillors against the disposal of Municipal Pound Site by the Municipal President.

With reference to your letter No.L.10841/42-43 dated 10-5-43 calling for my detailed report on the above subject, I have the honour to state that on account of the ensuing Tour of the Minister for Revenue and Law in this District, I could not complete my enquiry on the subject and to request you to permit me to send my detailed report as called for in the aforesaid letter, by the end of this month.

I have the honour to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Hassan District.

TGS/-

No. 1208/14/6/43
Dt. 14/6/43

The D.C. Hassan

Sir,

I am directed to write in reference to the correspondence ending with your letter No. M.C. 2765/42-3 of 20.5.1943 forwarding the petition of the Municipal Councillors, against the disposal of lots in the Hassan town, by the end of May (1943) and to request that the same may be sent back without any further delay.

Thanks etc.

for Secretary

11/6

No.Ml.C.3765/42. Office of the Deputy Commissioner,
Enclosures four folds. Hassan District,
Dated Hassan, the 19th June 1943.

GEN & REV RECORDS 7809/L 25 JUNE 1943 L S G, BI

From Ml 148-42-19

Mr H.K.++ ISG

SECY L TO DEPT 25 JUN 1943 GOVT OF MYSORE

N.S. Hirannayya, Esq., M.A.,
Deputy Commissioner, Hassan District.

C. Narayanaswami Naidu, Esq., B.A., B.L.,
Secretary to Government, Law Department,
Bangalore.

Sir,

Reference:-Your letter No.L.10841/42-43 dated the 10th May 1943 re: allegations regarding the sale of certain sites by the Municipal Council Hassan.

With reference to the above, I have the honor to state as follows:-

1. On 25-4-43, certain members of the Hassan Municipal Council presented a petition to me (Flag A), making certain allegations against the conduct of Municipal affairs in Hassan. The first allegation/ was that a very valuable site to the south of the Silver Jubilee Orchard, Hassan, had been sold for a grossly inadequate sum, to one Mr. M.L. Srikantiah, Advocate, Bangalore. They alleged that this site which was worth nearly Rs.1,200/- was sold for Rs.200/- Their second allegation was that the Municipal Council had sold the cattle pound near the Veterinary Hospital at Hassan for an upset price of Rs.500/- an act which was stated to be against the resolution of the Municipal Council and also against the orders of my predecessor (Mr. T.Ramaiya) The records connected with the case together with the views of the Municipal Council were obtained together with the report of the President on certain points.

2. We may deal with the sale of the cattle pound first. On a proposal moved by Mr. H. Krishnamurthi, one of the Municipal Councillors at a meeting held on 1-3-42, it was resolved that the present cattle pound may be shifted to near the toddy shop and that the whole building with all its materials may be given away to Mr. T.S. Ramachandra Rao, an applicant for it, for an upset price

price of Rs. 500/- only. The resolution of the Municipal Council is flagged E. The resolution was passed when Mr. B. A. Sampath was the President of the Municipal Council. In pursuance of this resolution Mr. T.S. Ramachandra Rao was issued an endorsement in terms of the resolution of the Council with a direction to credit a sum of Rs.500/- as required therein. After this resolution, several other applications for the same cattle pound building and site were received from various persons as noted in the margin. (Flags C.D.E.) In addition, two of the applicants Messrs. G.S. Subbaraya Shetty, Jeweller, Hassan and H.M. Nagarajiah gave a representation to the Deputy Commissioner (Flag M) who ordered thereon on 2-3-42 that "as there seemed to be a keen demand, the building may be sold in public auction". (Flag N) On receipt of this order, the President of the Municipal Council issued on the same day an endorsement to Mr. Ramachandra Rao (Flag O) cancelling the previous grant. In the endorsement actually issued, it is stated that the cancellation was only for the present, the word interpolated being "ಸದ್ಯಕ್ಕೆ" though it is not initialled by any officer of the Municipality. Afterwards, on 15-5-42, the President of the Municipal Council sought the permission of the Deputy Commissioner to shift the cattle pound to near the toddy shop (Flag I) Instructions were thereupon issued that the President could take needful action under section 4 of the Cattle Trespass Act read with rule 221 of the Municipal Account Code Vol.I (Flag J). While matters stood thus, on 5-8-42, Mr. T.S. Ramachandra Rao applied for the confirmation of the site and building to him on payment of the upset price (Flag K.) upon which on 29-3-43 the President has ordered as follows "As per resolution of the Municipal Council dated 1-3-42, he is given the cattle pound building at the price fixed by the Council for Rs.500/- only. It is seen from the records that on some subsequent applications for higher offer, the matter went up to the Deputy Commissioner. But nothing has been done in this respect. Even those applicants have not

Name. M/s.	Date of appln.	Amount offered.
1.H.M.Nagarajaiah.	2-3-42.	600/-
2.H.S.Subbarayasetti	2-3-42	700/-
3.H.V.Thimmappa	2-3-42	1,000/-
4.H.V.Suryanarayana setti.	2-3-42	--

not deposited the amounts. It is usual that such frivolous applications are filed after disposals even in the public auctions. The resolution stands good in my opinion. He may deposit the amount and apply for possession only after the pound is shifted". (Flag L.) It is seen from the file however that on 19-12-42 another petition has been received from one Hiriyal Karibasappa offering a sum of Rs.1000/- for the said property (Flag M) No action has been taken on this petition. But as we have seen, the disposal of the site was ordered on 28-3-43 and notices were issued on 18-4-43 to Mr Ramachandra Rao to deposit Rs 500/- which he did two days afterwards the Sale Certificate was also issued on 25-4-43. It is against the orders of confirmation of this sale that a complaint has been made in the petition presented to me by some of the members of the Municipal Council on 25-4-43 (Flag N)

3. There are two points to be considered in this case; one the propriety of the order passed by the President of the Municipal Council on 28-3-43 granting the cattle pound and site to Mr. Ramachandra Rao and the other his competence to do so. As regards the first point, it must be stated that the resolution regarding the actual sale of the site and building was passed by the Municipal Council under the presidentship of Mr. B.A. Sampath, who is the first signatory to the petition presented to me and that it was sponsored by Mr. H. Krishnamurthy, who has signed in the fourth place. It is difficult to conceive under the circumstances, how they could possibly behave as if they were entirely opposed to the procedure adopted by the present President of the Municipal Council. If the sum of Rs.1,200/- now offered is very low, it was still low at the time the resolution was passed and as a matter of fact, from the number of petitions received from various people at the time the resolution itself was put on the proceedings book pretesting against the grant of the land to Mr. Ramachandra Rao, it is clear that there was a public agitation at that time alone. In one sense therefore, it is not true to say that the entire thing has been done by the present administration of the Municipality. Such a statement would be unfair considering the previous history of the case. At the same time, it is seen

seem that the Deputy Commissioner at the time (Mr. T. Ramaiya) passed definite instructions to the Municipal Council that as there seemed to be a keen demand for the site, the building may be sold in public auction. The proper course for the then Municipal President would have been to have placed the matter again before the Municipal Council and obtained its approval to the cancellation of the grant already made. This sensible course was not however adopted and an endorsement was summarily issued to Mr. Ramachandra Rao cancelling the previous endorsement viz., the one by which he was intimated of its grant at upset price. It means therefore that the present President Mr. Mallappa was right in saying that the resolution of the Municipal Council had not been altered. Really however some regard ought to have been placed on the orders of the Deputy Commissioner and the endorsement issued by his predecessor and it would have been wise if the matter had been placed again before the Municipal Council instead of confirming a grant which has had such a history and which had been lain over for over a year. As regards the value of the site, it is very difficult to state what would be its real value now that it has become the subject of controversy. It is unfortunate that the Municipality has become a battle ground for parties and in the heated atmosphere that sometimes exists, it is conceivable that a site normally worth Rs.500/- may go for nearly three times its value. One circumstance, however, which indicates that the sum of Rs.500/- greatly undervalued the site and the cattle pound is that at the time of the original grant alone a number of petitions had been received offering a much higher sum and as I have already pointed above, as late as on 19-12-42, one Hiriyal Karipasappa offered a sum of Rs.1000/- for the property. It is therefore certain that if this property had been brought to auction, a much higher amount would have been realised.

4. As regards the competency of the President, he has acted under the authority of the original resolution of the Municipal Council passed at its meeting held on 1-3-42.

5. The matter has been recently brought up at a special

special general meeting of the Municipal Council held on 11-5-43 and attended by 17 members of the Municipal Council. As regards the sale of the cattle pound, the following resolution was passed "Resolved that the cattle pound should not be shifted now, and the sale certificate taken back as the sale stands unconfirmed as per resolution No.8 dated 23-5-42 "(Flag O) Resolution No. 8 of 23-5-42 refers to a resolution passed on a consideration of the memo passed by the Deputy Commissioner on the petition of Subbarayasetty and Nagarajaiya already referred to and runs :- "The suggestion may be taken up at the time of the disposal of the pound". In any case, the resolution of the Municipal Council at its special general meeting has had the effect of cancelling the grant. It is a fair resolution and recognises the defects in the way of grant to Mr. Ramachandra Rao at the upset price originally fixed. To this extent, therefore, the cause of complaint of the petitioners has been removed and there is nothing that requires to be done.

6. I pass on to the second allegation made in the representation given to me ~~ex~~ referred to in the first para of this letter. This relates to the sale of a site measuring 120' X 86' situated at the south of the Silver Jubilee orchard at Hassan, to Mr. M.L. Srikantaiah, Advocate, Bangalore, at an upset price of three annas per square yard. This site is seen from the file to have had something of a history. This area originally belonged to the Municipality but on a reference made by the President of the District Board under the instructions of the Dewan, issued during his tour on 1st April 1941, the land in question was ordered to be handed over to the District Board on the condition that it should be surrendered back to the Municipality as soon as it ceased to be used as an orchard. The reference from the District Board is falgged 'A' and the resolution of the Municipal Council is flagged 'B' The conditions imposed by the Municipality were accepted and the approval of the District Board was recorded at its meeting held on 28th August 1941 (Flag C)

It is seen from the file that the President of the District Board issued several reminders for the handing over of the site. But these do not appear to have had any effect. On 1st December 1942, the President, District Board intimated to the President, Town Municipal Council, Hassan in his No. A1 P.R.20/42 (Flag D) that the said land is unnecessary and unsuited for the purpose for which it was previously proposed and the District Board had resolved on 20-4-42 that the vacant land is unnecessary for the purpose and need not be taken. In the meantime, several applications had been received for the land. On 26-6-42, one Mr. M. Krishna applied for the site (Flag E) and he reminded the President again about it on 28-7-42 (Flag F). On 11-10-42, Mr. M.L.Srikantiah, Advocate, Bangalore, applied for a site for building a house (Flag G) while on 21-10-42 one Mr. C. Nanjappa, cloth merchant, Hassan also applied for the site for an upset price of Rs.500/- failing which he prayed that the said amount may be kept as the minimum bid at the Public auction of the site (Flag H). On this petition, there is simply a note "Records submitted for kind perusal". On 23-10-42, several people presented a petition stating that they were prepared to offer a bid of Rs.1000/- for the said site (Flag I) on which no action appears to have been taken. The petition of Mr. M.L. Srikantaiah was forwarded to the Sanitary Inspector for disposal on 12-10-42 but the latter kept it by with him till 12-4-43 on which date he sent in his report. On the same date, the President ordered "the grant of the site measuring 120' X 86' to the applicant Mr. M L. Srikantaiah at three annas per square yard as there were depressions and pits" It is against this grant that a complaint has been made in the representation given to me by some of the Municipal Councillors. The matter was considered by the Council at its special general meeting held on 11-5-43 (Flag) and it was resolved as follows:-"Regarding the sale of the site to Mr. M.L.Srikantaiah, Mr. H.B. Siddappa proposes that the grant is within the powers of the President and Mr. Sannappa seconds him. The matter was discussed and

the final resolution is in favour of Mr. Siddappa's proposition. 7 voted for it and 7 against, one remaining neutral. The President's casting vote was in favour of the proposition and it was therefore taken as passed." The first point to be discussed in this connection is regarding the competence of the Municipal President to grant the site. So far as the present President goes, he is to be absolved of all blame in the matter since the Municipal Council itself has resolved at its meeting held on 23-5-42 (Flag K) that the President is empowered to give the sites available at an upset price. A very large number of sites have been given away by the President of the Municipal Council under the authority of this resolution and the present President was doing nothing exceptional by disposing of the site in question in the same manner as his predecessors. It does not lie in the mouth of the Municipal Council to say now that he exceeded the authority given by it. If this grant is held to be ultravires, so will have a hundred other grants have to be invalidated in the same way.

7. At the same time, I am of opinion that it was extremely unwise of the Municipal Council to delegate its powers in the manner it has done. Under section 38 (1) of the Municipalities Act, every Municipal Council is competent to sell its immovable property and under section 35 any powers, duties or executive functions of the council may be delegated to the President. But the delegation must be made in accordance with the rules framed in this behalf by the Municipality. In other words, rules regarding delegation of powers must be framed under section 46(a) and approved by Government under the proviso to that section. It is only if the delegation has been made in accordance with these rules that it will be valid. Further under clause (3) of section 38, it is clear that in case of a sale of immoveable property, sanction of the Council at its general meeting is required. These safeguards have to be accepted. In the present case, the mere resolution of the

the Municipal Council on 23-5-42 does not amount to a delegation which can be considered effective. To become effective, it must have been incorporated in the form of rules, which has not been done. This fact is clear from the letter of the President, Municipal Council dated 7th May 1943 para 3 (Flag X) wherein he has stated that the framing of a set of rules regarding the delegation of powers and duties of the President is still pending. Legally therefore, the President has not power to sell immoveable properties nor is the alleged delegation of this power to the President under the resolution of the Council dated 23-5-42 effective in law. It is unfortunate that this most important function of the Municipal Council has been allowed to be irregularly exercised ever since the day of the resolution, though, of course it is altogether unfair to blame the present administration fot it, since the resolution giving certain powers in this respect to the President was passed during the time of Mr. B.A. Sampath. It is even more unfortunate that the Municipal Council did not see this point at its special general meeting held on 11-5-43 and that they should have passed a resolution that the President may continue to exercise the power of disposing of sites. As I have stated this appears to me to be not only illegal but improper and a never ending source of all kinds of trouble. I therefore consider the resolution of the Council on 23-5-42 as well as the resolution passed at its meeting on 11-5-43 regarding the delegation of the power of selling immoveable property to the President to be unlawful and I have passed separate orders in writing under section 194 (1) of the Town Municipalities Act suspending the execution of this resolution in the sense that until orders of Government are received, the President should not dispose of immoveable properties without the proper sanction of the Municipal Council A detailed report on this matter is being submitted under secti 194 (2) of the Town Municipalties Act.

8. One of the allegations made in the petition is that

that the upset price recovered is a gross unterstatement of the value of the site disposed of to Mr. M.L.Srikantiah. As I have already stated, this is a very difficult point to settle with any definiteness. It is unfortunate that the conduct of Municipal affairs should become a playground of factions. But unfortunately, this seems to be the case in the present matter. It would be therefore quite possible to conceive that a site which might have been sold under circumstances of less heat at the upset price fixed by the President, might be sold for a very much larger amount when it is made a question of contest between two parties. I am convinced that the Municipal President Mr. Mallappa must have given the site in a bonafide manner believing that the site was not very valuable because it is on a low level and full of depressions and pits. In fact, it is not a very desirable place for a residential building on account of its marshiness and its proximity to the Beeranahalli tank and there is nothing improper in the President having allowed this perfectly legitimate factor to influence him in determining the price of the site. The allegation of malafides does not therefore find any support and I can say with assurance that no blame can be thrown upon the President in this matter.

9. There are however some circumstances which lead one to infer that in case the site had been brought to sale, it would have fetched a larger price than it has now realised. As we have seen, there were several applicants for it. Mr. Krishna has put in the first application for the land, but he did not make any definite offer fot it. Tucked however in the file relating to th transfer of this strip of land to the District Board, we find two petitions one dated 21-10-42 presented by Mr. C.Nanjappa cloth merchant and another dated 23-10-42 presented by certain residents of Hassan Town offering sums of Rs.500/- and Rs.1000/- respectively for the site. It is likely that these petitions were never brought to the notice of the President since they bear no final orders at all. They make it very likely however that in

in case the land was put up to sale, it might have fetched quite good bids, though as I have said, it is difficult to say under the circumstances of the case to what extent this would have made a difference. In any case, the application presented by these people have not been disposed of at all till now or final endorsements issued to them.

10. So far as the site itself is concerned, it is seen that the then Dewan desired it should be added on to the silver Jubilee Orchard and that it was resolved to be so handed over to the District Board. On 20-11-42 however, the District Board have resolved that the site is unnecessary and have resurrendered it to the Municipal Council (Flag R) The entire references received from the Municipal Council are enclosed along with this report.

I have the honor to be,
sir,
Your most obedient servant

2276

Deputy Commissioner,
Hassan District.

[illegible] 2392-3

Copy sent to President,
Civil Board, Hassan for any
necessary action in regard to
suit referred to at para 3 of his
memo of 4th instant.

[illegible]
Private Secy
to Governor

L239/mil. 148-42-20
By 24/8/43

To: The Deputy Commissioner
Hassan District

Sir,

Subject: Allegations regarding the sale of certain sites by the Hassan Municipality

With reference to the correspondence ending with your letter no MLC 3769 dated the 19th June 1943 on the above subject, I am directed to observe that it is unfortunate that the Hassan Municipal should have allowed the disposal of valuable sites in the manner reported by you. Further, it is strange that the same municipal councillors who passed the resolution dated 23.5.1942 giving unlimited powers in an illegal manner to the President in the matter of the disposal of sites in the Town should have protested against the very existence of the President

action. In the circumstances I feel agree with the action taken by you in having suspended the operation of the relevant under sec 194 of the Income Tax Act. In the meanwhile it is necessary to get further details of the sites granted by the President by virtue of the powers vested in him in accordance with the above resolution. I am accordingly to request you to furnish very early a list of all the sites granted, with information as to how many of them have passed hands, how many have been built upon and how many are still vacant.

As regards the site to the North of the Silver Jubilee orchard at the place, the grant of which is illegal, I am to state that the site is unsuited for building purposes from the point of view of health and it should not therefore be allowed to be built upon. On the other hand the place can be improved only by levelling it up and still better by adding it on to the Silver Jubilee orchard as has been previously suggested. It is also seen from the records that the Nassau Investment Trust had agreed to hand it over to the Distt Board. The Board may therefore be advised to take definite steps to improve the orchard by adding on to it this valuable bit of land.

The Distt Board may also consider the desirability of using this land for raising the vegetables which they propose to do instead of having it at the Gendekatte village forest which is at a distance of two miles, as such a course would economise the efforts of the Board in this direction.

I have etc

Appendix F G—1]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the *194*

Date of issue 30/8

Signed by

List of enclosures

Copied by 30/8/43

Examined by

Section Nil

File No 148-~~72~~42

Serial No 21

No L2757/W.R

To

The D.C Hassan West.

Sir,

In continuation of this office letter no ~~HL.C 8765~~ ~~dated 19-8-43~~ L239/HL/148-42-20 dt 24-8-43 re: the allegations in connection with the sale of certain sites by the Hassan Town Hall. I am directed to state that the records relating to the subject show that one clerk Seetha Ramaiah of the Hassan Town Municipal office at the time was responsible for interpolating

WD 04161—GPB—60 000—24 10 41

the subject in the agenda in regard to the
grant of the Cattle pound site to Mr. J. S. Rama-
Chandra Rao and the explanation called for from
him in this behalf
(vide pages 15 & 16 of the Record relating
thereto)
has not been furnished so far. I am to request you
to pursue this matter further and submit a
report to Govt. as early as possible with your letter no. Plc 3785
dated 4.7.1961
the records accompanying.

I have etc

28/8/63
for Secy to Govt.
Land Rev.

Enclosures 7

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No L2757 *Dated, Bangalore* 30/8

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore

Law Department.

To

The Deputy Commissioner,
Hassan District.

S i r ,

In continuation of this office letter No. L. 239/Ml. 148-42-20 dated the 24th August 1943 re- the allegations in connection with the sale of certain sites by the Hassan Town Municipal Council, I am directed to state that the records relating to the subject show that one clerk Sitharamiah of the Hassan Town Municipal Office at the time was responsible for interpolating the subject in the agenda in regard to the grant of the cattle pound site to Mr. T.S. Ramachandra Rao and the explanation called for in this behalf from him was not pursued (vide pages 15 and 16 of the record relating thereto). I am to request you to pursue this matter further and submit a report to Government.

The four files of records received with your letter No. MLC C 3765/42 dated the 19th June 1943 accompany.

I have the honor to be,
S i r ,
Your most obedient servant,

Ramachandra

for Secretary to Government,
Law Department

P.H.

Med 148-42-22

572

TEL ADDRESS PRESBOARD

NO A2PR12/42-43
ENC

OFFICE OF THE PRESIDENT, DISTRICT BOARD,
Hassan Dated 18th October 194 3.

From

Y DHARMAPPA Esq B A, B L,
PRESIDENT, DISTRICT BOARD
HASSAN

GEN & PEN SECTION
2482
27 OCT 1943
S L

To

The Secretary to Government,
Law Department, Bangalore.

THROUGH THE DEPUTY COMMISSIONER, HASSAN DISTRICT, HASSAN.

Law section has decided to recommended
3848 21/10/43 - 27/10/43
Med 20 OCT 1943

Sir,

Subject:- Starting of an Herbarium at Hassan.

Adverting to your letter No. L. 2391/M1. Dated 24-8-1943 requiring me to examine the question of opening of an Herbarium at the site to the south of the Silver Jubliee Orchard at Hassan and to report, I have the honour to state that I have inspected the site in question and found that it has main roads towards south and west and a water channel running towards the East at one end of it. Add to these, a storm water drain is also running within the site towards south-East, thus rendering the entire site to a qudrangular piece of 84 x 115' or roughly ¼ acre in exten

The minimum space required to start an herbarium of the kind in view being about one acre of land to begin with, it may be kindly seen, that the land comprising the site referred to falls short of the bare minimum extent, in view of the opinion furnished by the Principal Ayurvedic and Unani College Mysore regarding the extent of land required to start an herbarium, letting alone the question of further extention.

Hence, in view of the adverse position of the site under reference and its unsuitability, I request that necessary sanction may kindly be obtained for starting the Herbarium at Gendekatte Forest Area, the only available place for the present. The Deputy Commissioner is willing to give one acre of land for the

p.t.o.

2487

present below the Katte at Gendekatte village to already reported in this office letter No. A2.P.R. 12/42/43 dated 19-8-1943. The Present season is also very amicable for growing the herbs.

The favour of early compliance is requested.

I have the honour to be,
Sir,
Your most obedient Servant,
President,
District Board, Hassan.

V.E.
Forwarded with compliments
Deputy Commissioner
Hassan
20/10.

Dr 5/2

The D-C Hassan Dist

Sir,

I am directed to invite reference to this office letter No L.2251/ Rev/48-49 dated 24-8-43 and to request that the details called for therein about the Lits granted by the ex-President, Hassan may be furnished by return of the post very respectfully

Answer

for Divisional Forest Officer,
Hassan.

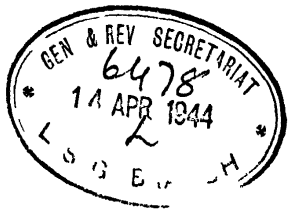
6478

Office of the Deputy Commissioner,
Hassan District,
Dated Hassan, the 12th April 44.

No.M.L.C.3765/42-43.

From

N.S. Hirannayya, Esq., M.A.,
Deputy Commissioner, Hassan District.



To

C. Narayanaswamy Naidu, Esq., B.A.,B.L.,
Secretary to Government, Law Department,
B a n g a l o r e.

Sir,

Re: details of sites granted by the President, Hassan Town Municipality.

With reference to your letter No.L.8082 dated 5-2-44 calling for a report on the above points, I have the honor to state that the list of sites sent by the President has been returned to him as certain information required in your letter No.L.2391/Ml.14f-42-20 dated 24-8-1943 was not furnished.

The details will be furnished soon after receipt of a reply from the President of Hassan Municipality.

I have the honor to be,
Sir,
Your most obedient servant,

for Deputy Commissioner,
Hassan District.

Absent from Station

as.

VI G 7]

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

GENERAL AND REVENUE SECRETARIAT

No L 10942, dated the 27/4/1944

(Cell)

To 8889

The Deputy Commissioner

Hassan

29 APR

SUBJECT

Calling for details of the sites granted by the President Hassan Town Municipality, by virtue of the powers vested in him

SIR,

I am directed to invite attention to the marginally noted communication and to request that the Government of His Highness the Maharaja may be informed, in the column opposite ~~of the cause of delay in furnishing a reply and of~~ the approximate date on which reply may be expected

L 2391/Rl 148-42-20 *No dated 24 8 43

I am also to request that the reply to this reminder may be sent ~~not later than the~~ immediately

I have, etc,

Secretary to Government,

Law Department

TY I. C SECTION 5 JUNE 1944 GEN & REV SECTT

REPLY

No Rle C 3765/43-44, dated the 1st May 1944

SECY LAW DEPT 1 MAY 1944 GOVT OF MYSORE

GEN & REV SECRETARIAT 6952 5 MAY 1944 L & G BRANCH.

To

The Secretary to the Government of H H the Maharaja of Mysore,

Law Department Bangalore

Sir,

In reply, I have the honour to invite kind reference to this office letter No Rle C 3765/43-44 of 12-4-44 stating that the list of sites furnished by the president has been returned as certain information required in your letter No L 2391/Rl 148-42-20 of 24-8-43 was not furnished. The Municipal president has been requested to furnish the details immediately.

I have the honour to be Sir, Your most obedient Servant.

Hemanjan Rao

Deputy Commissioner Hassan District

* Previous reminders

L. 8882-95-2 Rle

WD 088—GPP—5 000—31 7 40

Sent with a draft reminder

Immediate

Do L 12176 of 6.6.44

Dear.

With reference to your Dis letter No L 2391/Mul 44-42-20 of 24 & 1943, & your letter no Mul C 3765/43-44 of 15.5.1944 re the details of the Sites disposed of by the President municipal Council, Harda, by virtue of the powers vested in him, I am desired to request you to kindly expedite your final reply in the matter as the question is pending for more than one year.

Yours sincerely

Dr. Harda (Hoshangabad)

REMINDERS

No	Date

WD 0382 GPB– 6,000—1-8-42

No. L.12765 /43-44.

Office of the Deputy Commissioner,
Hassan District, Dated 28th June 1944.

From

H.K. Niranjanraj Urs., Esq., B.A.,
Deputy Commissioner,
Hassan District, HASSAN.

To

The Hon'ble Mr. Kreyanaswamy Naidu, Esq., B.A., B.L.,
Legal Remembrancer & Law Secretary to Govt. of Mysore,
B A N G A L O R E .

Sir,

With reference to your D.O.letter No.L.12176 dated 6-6-1944 calling for information re· the details of sites in Hassan Town disposed of by the President of the Municipality, I have the honour to state that the list returned to the President for furnishing certain particulars has not been received back from him. He has been reminded again and the list will be submitted soon after its receipt from the President.

I have the honour to be,
Sir,
Your most obedient Servant,

Deputy Commissioner,
Hassan District.
29/6/44

ml 152-44-1

C F No 46] **GOVERNMENT OF MYSORE**

5'35/L

No. Ml.C. 3765/42-43. **OFFICE OF** THE DEPUTY COMMISSIONER,
Encls ~~nuffix~~ HASSAN DISTRICT, H A S S A N.

Date 24th J u l y . 1944.

From,

H. Niranjan Raj Urs.,Esq.,B.A.,
Deputy Commissioner, Hassan District, HASSAN.

LAW DEPT
23 JULY 1944
HASSAN BRANCH

To

C.Narayanaswamy Naidu, Esq.,B.A.,B.L.,
Legal Remembrancer & Law Secretary to Govt.
of Mysore, B A N G A L O R E.

Sir,

Re: explanation of clerk Seetharamiah for interpolating the subject in the agenda about the grant of cattle - pound site to Mr T S Ramachandra Rao of Hassan.

With reference to your letter No.L.2757/Ml.148-42-21 dated 30-8-1943 directing that the matter relating to the explanation of clerk Seetharamiah for interpolating the subject in the agenda re: the grant of cattle pound site to Mr.T.S.Ramachandra Rao may be persued, I have the honour to state as follow

The explanation of the clerk in this behalf was obtained. Seetharamiah clerk has stated in his explanation that the meeting of the council was fixed to 28-2-42 and that the notice of the meeting and the agenda had already been sent to the councillors one week earlier as per byelaw, that the subject re; the transfer of the present cattle pound situated near the Veterinary hospital to some other place was already included in the agenda previously, that the subject of the petition of Mr.T.S.Ramachandra Rao re the grant of the pound site tohim was also noted below the above subject since it related to the same matter and the President had already ordered on the application of Mr.T.S. Ramachandra Rao. "H.C.Bring up at the General Meeting of the Municipal Council," that the subjects for the meeting were all submitted to the President through the Chief Officer one day previous to the meeting as usual, for approval etc. Re. the direct submission of the endorsement to the President for signature the clerk has explained that the President instructed him to issue an endorsement, that he did so accordingly and that day being Sunday and at the time of sending it for signature the Chief Officer being absent the endorsement was sent to the President etc.

P.t.o.

The explanation furnished by the clerk was sent to the President of Hassan Town Municipality for remarks after verifying the agenda and the meeting proceedings Book. The President has intimated that the agenda is not available, that the then President and the Chief Officer are not in office - now and that the explanation of the clerk may be accepted.

From the records it is seen that on the application of Mr.T.S.Ramachandra Rao (vide page 3) it is noted " presented by Mr.T.S.Ramachandra Rao on 20-2-42, H.C.Bring up at the - time of general meeting of the Municipal Council and initialled by the President. Resolution has been passed on this - subject and endorsement also issued under the signature of the President (Vide page 6).

In the above circumstances this question may kindly be ordered to be dropped as it is not possible to fix the - responsibility at this distance of time.

The connected records together with the explanation of clerk Seetharamiah are enclosed for favour of reference. The letter No.H.C.55 dated 16-6-1944 received from the President, Municipal Council, Hassan is also enclosed.

I have the honour to be,
Sir,
Your most obedient Servant,

- H K Hanumanthaiah

for DEPUTY COMMISSIONER,
HASSAN DISTRICT.

HKB.

P. (Abrat from Station)

In the proceedings of the Taluk Office
Mr 152-44-2
dt 3218 dt 12-10-44.

To

The Dt Collector Hassan Dist

Sir,

With reference to the ~~Correspondence~~
ending with your letter No. M1 C 3765/
42-43 dt. 24.7.44 submitting the explanation of the Head clerk Sitaramiah during conduct in connection with the sale of cattle seized in the Holenarsipur Taluk to one Mr T. S Ramachandra Rao, etc, I am directed to observe that there is room for holding that the Head clerk has not acted in a straightforward manner and that he may be charged for the same.

The records accompany

Yours obt

for Secy to Govt

Revenue Dept

13/9

C F No 46] **GOVERNMENT OF MYSORE** 2910/L

No 11.C.3765/42-43. OFFICE OF the Deputy Commissioner,
Encls. Hassan District.

GEOY. LAW DEPT 23 OCT 1944 GOVT OF MYSORE

Date 25th October 1944.

To

The Registrencer and
Secretary to Government,
Law Department, Bangalore.

GEN & REV SECRET 31 OCT 19[illegible] L S G BRANCH

Sir,

Re: changing Seetharamiah, Head Clerk of Hassan Town Municipal Office.

With reference to your letter No.L 3218/Ml.152-44-2 dated 12-10-1944 intimating that there is room for holding that the Head Clerk has not acted in a straight-forward manner and that he may be changed from that post, I have the honor to state that the Head Clerk Seetharamaiah has already been changed and he is now working in Holenarsipur Taluk Office.

I have the honor to be,
Sir,
Your most obedient servant,
Deputy Commissioner,
Hassan District.
26-10-44

Diary No. 535
dtd 13/9 (?)

as.